

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

GENARO GARCIA LUNA, *ET AL.*,

Defendants.
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: **19 Cr. 576 (BMC)**

: Declaration of César de Castro in
: Support of Genaro Garcia Luna's
: Motion for a New Trial Pursuant to
: Rule 33 of the Federal Rules of
: Criminal Procedure

CÉSAR DE CASTRO, ESQ., affirms under the penalties of perjury as follows:

1. I am counsel for Defendant, Genaro Garcia Luna. As such, I am familiar with the facts and circumstances of the case.
2. I am duly admitted to practice law before this Court.
3. This affirmation is submitted in support of Mr. Garcia Luna's motion for a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure.
4. Annexed to this declaration are the exhibits referenced in the memorandum of law accompanying the motion.
5. The defense's letter to the government requesting a bill of particulars and *Brady* material dated April 15, 2022, is annexed hereto at Exhibit "A"
6. The government's May 1, 2022 letter, responding to the defense's April 15, 2022 request, is annexed hereto at Exhibit "B".
7. January 27, 2011 Letter of Understanding, between the United States and Mexico is annexed hereto at Exhibit "C".

8. Affidavit of [REDACTED] and attachments is annexed hereto at Exhibit “D.”
9. A schedule of Mr. Garcia Luna’s activities for December 21, 2010, is annexed hereto at Exhibit “E” (to be filed under seal).
10. The SSP Agenda for December 21, 2010 meeting, is annexed hereto at Exhibit “F” (to be filed under seal).
11. June 27, 2011 letter, addressed to Mr. Garcia Luna from the Director of the CIA Leon Panetta is annexed hereto at Exhibit “G”.
12. A letter to Assistant United States Attorney (“AUSA”) Russ Leachman from Robbie Lea Ward is annexed hereto at Exhibit “H” (due to the volume of the accompanying documents, they will be provided to the Court and government *via* jump drive).
13. A receipt of hand delivery to AUSA Leachman is annexed hereto at Exhibit “I”.
14. Schedules of Mr. Garcia Luna’s activities reflecting meetings with Ealy Ortiz of El Universal and others is annexed hereto at Exhibit “J”.
15. Photographs of Mr. Garcia Luna and Mr. Ealy Ortiz are annexed hereto at Exhibit “K”.
16. An affidavit and power of attorney from counsel to El Universal newspaper is annexed hereto at Exhibit “L”.
17. Various schedules of Genaro Garcia Luna containing examples of meetings and listed participants are annexed Hereto at Exhibit “M”.
18. A schedule of Mr. Garcia Luna’s activities for November 24, 2009, reflecting the inauguration of the “Bunker” is annexed hereto at Exhibit “N”.
19. Document containing highlights and photos of November 24, 2009 inauguration of the “Bunker” is annexed hereto at Exhibit “O”.

20. August 2009 United States State Department cables concerning the construction of “Bunker” is annexed hereto at Exhibit “P”.

21. *Pegasus Transparency Report* dated June 30, 2021, is annexed hereto at Exhibit “Q”.

22. *New York Times* article dated April 18, 2023, entitled How Mexico Became the Largest User of the World’s Best Known Espionage Program, is annexed hereto at Exhibit “R”.

23. Technical annex to contract between Mexico’s PGR regarding the purchase of the Pegasus system dated October 24, 2014, is annexed hereto at Exhibit “S”.

24. A Request for Information (“RFI”) reply sheet from the Mexican Ministry of National Defense (“SEDENA”) dated August 14, 2017, concerning the purchase of the Pegasus system is annexed hereto at Exhibit “T”.

25. Hospital discharge paperwork from Hospitales Angeles Del Pedrigal from October 19, 2008, and a receipt of payment dated October 19, 2008 is annexed hereto at Exhibit “U”.

26. Affidavit of José Jorge Rincon Namorado, and attachments, is annexed hereto at Exhibit “V”.

27. Benefits form from Mexican ISSSTE for Francisco Cañedo Zavaleta is annexed hereto at Exhibit “W”.

28. Affidavit of [REDACTED] is annexed hereto at Exhibit “X”.

29. Memorandum for the inmate population from the Warden of the Metropolitan Detention Center (“MDC”) dated March 24, 2023, is annexed hereto at Exhibit “Y”.

30. Correspondence sent by Mexican Attorney’s General’s Office to the SSP regarding plot against Mr. Garcia Luna is annexed hereto at Exhibit “Z”.

WHEREFORE, Mr. Garcia Luna respectfully requests that the Court grant him a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure.

Date: New York, New York
December 15, 2023

_____/s/
César de Castro
The Law Firm of César de Castro, P.C.
646.285.2077
Attorney for Genaro Garcia Luna